

NUMEROUS COURTS WERE IN SESSION Eleven Judges Conducted the Cases Yesterday.

Superior Court Opens a Two-Week's Session and Inducts New Members—Tribute to the Late Judge Reeder. Unsuccessful Effort to Dismiss Gibbons' Writ of Habeas Corpus—Many Out-of-Town Attorneys Here—Judges Archbald, Gunster and Love Holding Common Pleas Court—Judge Gunster Also Sits in Equity and Quarter Sessions—Naturalization Court and a Hearing Before a Commissioner.

Never before in the history of Lackawanna county was there such a quantity and diversity of courts as there was yesterday. Eleven judges and enough lawyers to impoverish a Croesus, conducted or participated in seven different kinds of sessions.

The Superior court, with seven members present, including Judges W. W. Porter, W. D. Porter and Dimmer Beeber, newly commissioned, began a two weeks' session of appellate court in the Superior court room.

Judges Archbald, Gunster and Edwards held an hour's session of what is virtually argument court, receiving motions and hearing arguments on the same. Judge Archbald, in the main court room; Judge Gunster in court room No. 2, and Judge John G. Love, of Bellefonte, in the arbitration room, opened a three weeks' session of common pleas.

Judge Gunster, upon taking his seat in court room No. 2, sat first as a quarter sessions' judge, conducting naturalization court and hearing the report of the grand jury and then took up the equity case of Caray against Jenkins, which was continued from last week.

After disposing of this he assisted in disposing of the civil list. In one of the jury rooms on the third floor, J. W. Carpenter, sitting as commissioner, heard the continuation of the defense in the Kelly impeachment proceedings.

From a local standpoint, the feature of the day in appellate court was a brief discussion of the habeas corpus end of the Gibbons' contempt case, upon which Mr. Holgate endeavored to be heard, but which was set over until next Monday to come up with the certiorari proceedings in the same case.

Fitting tribute was paid the memory of the late Judge Reeder in speeches by President Judge C. E. Rice and Attorney Russell C. Stuart, of the Northampton bar.

The return of an ignored bill in the case against Ignatz Rosmozvitch, charged with complicity in the Austin Heights outrage, by which Brakeman Howell lost his life, was the feature of the quarter sessions. In common pleas nothing of an especially important nature developed.

It was ordered as a mark of respect to the memory of the dead judge that the prothonotary enter a record of the proceedings on the minutes of the court.

Attorney H. H. Holgate now presents himself before the court and makes an effort to have the habeas corpus end of the John Gibbons contempt case brought up for a hearing. After reviewing the history of the habeas corpus proceedings he made complaint that the attorney for the other side had failed to observe Judge Smith's order to have the records of the case certified to this session of the Superior court, and moved to dismiss the writ and the proceedings because of this failure.

Judge Rice, after a short consultation with the other judges, directed Mr. Holgate to file his motion and constituted the habeas corpus case until next Monday when the certiorari proceedings in the same case are scheduled for argument.

Attorney L. H. Burns, Mr. Gibbons' counsel, wanted to know from court if the certiorari proceedings would come up next Monday. The case developed within twenty days of the return day for this district and under the rule should go over until the next succeeding term, which in this instance would be January, 1900. If the case was to be argued this term in violation of the rule he would like to have notice of it so that he might begin work on his paper book.

Judge Rice said he could not express an opinion on that. The matter of when the case should come up was one of the questions in the case and would be argued. Until then he could not advise Mr. Burns as to what he should do.

Arguments were heard in three Lackawanna county cases. The first was that of Richard and John Walsh against Harry Ashford, appellant, Bernard McManus representing the plaintiffs, and J. M. O'Neill the appellant. It was an appeal from an order of the court of common pleas requiring a rule to open a judgment on a note containing a confession of judgment. Ashford bought a team of horses and a wagon from Walsh Brothers for \$210, agreeing to pay for them in money and stone from the estate of the late Joseph Walsh.

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IN COMMON PLEAS COURT. City Solicitor McGinley Secures a Non-Suit.

Judge Archbald, in the main court room; Judge Gunster, in No. 2, and Judge John G. Love, of Bellefonte, entered yesterday upon a three-weeks' session of common pleas court. In the case of Elizabeth Ziegler against the city of Scranton, a suit for damages, a compulsory non-suit was granted by Judge Archbald, on motion of City Solicitor McGinley, on the ground that no negligence on the part of the city had been established.

The case of Joseph Amley & Son against E. M. Tewkesbury is on trial before Judge Love. It is a suit to recover on a mechanic's lien for \$185. Judge Gunster is engaged in trying the case of Leonard Brothers against M. W. Guernsey, a \$10 suit for stove repairs.

The case of Joseph Martachowski against Peter Fallon, executor of the estate of Francis H. Martachowski, appellant, which was argued here last year and which was ordered to come up for a rehearing, was the second case argued. George Troutman appeared for the appellant and John T. Leshan, John McGinley and Bernard McManus for the plaintiff.

It is an appeal from a judgment of \$800 obtained by the plaintiff in a damage suit. Martachowski in 1887 was a recent arrival in this country and ignorant of our language and laws. Frank Orwitz, a contractor of Martachowski, had been in the county some years and was conducting a saloon in Hazleton. He bargained to sell the business to Martachowski, but the latter declined to purchase because he was not a citizen and had no license.

Orwitz, granted to his those same matters all right, and taking him before "Squire Charles Schuster, naturalized him and transferred to him an old hotel license for which service the "squire and Orwitz charged \$85, \$750 apiece for the papers and \$50 for the license fee.

Martachowski hung the spurious naturalization and license documents behind the bar and proceeded to do business. A constable came along and returned him for a double violation of the liquor laws. He was tried, convicted and sentenced to three months in jail and \$500 fine. He could not pay the fine and spent an additional three months in prison as a result.

Upon his release he sued Orwitz for damages and received a verdict of \$800. The defendant appeals on the ground that while Orwitz may have been guilty of sharp practices on Martachowski, he was in no wise legally responsible for the latter committing the crime which got him into trouble; the fact that he was induced upon did not license him to commit a crime. In other words, the defense stands on the principle that ignorance of the law excuses nobody.

The third case is still before the court. It is entitled F. J. Schwall against Sarah H. Schwall, S. J. Strauss represents the plaintiff and John McGinley and E. A. Lynch the defendant. It is an ejectment suit for a 23-foot strip of land, 59 feet in length, on Dennis alley, Wilkes-Barre. The appellant bases her right to it by adverse possession for twenty years.

On the calling over of the trial list in the morning the following cases were reported on: Emerald Benevolent association against William Burke and others, appellants, C. P. Luzerne; Martha Drieker and others against James S. Wilson, appellant, C. P. Columbia county; Bicker & Correll against J. R. Leeb, appellant, C. P. Lackawanna county; E. Sweet against Hannah J. Lewis, appellant, C. P. Lackawanna county; Gibbons & Nolan against Ellen Moran and others, appellants, C. P. Lackawanna county; Borough of Taylor against the "Central Pennsylvania Telephone and Supply company, C. P. Lackawanna county; E. J. Ehrigsdorf against the Moscow Water company, C. P. Lackawanna county.

ATTORNEYS FROM AHEAD. Among the attorneys from out of town who are in attendance at the superior court are: Hon. John M. Cannon, John T. Leshan, J. F. O'Neill, George Troutman, John McGinley, Bernard McManus, C. F. Bohan, Edward A. Lynch, E. J. Strauss, Hon. W. W. Porter, T. D. Rogers, Andrew H. McClintock, Frank Neetham, Martin McNeill, George H. Butler, W. S. McLean, Charles E. Terry, E. F. McGovern, T. R. Martin, Charles E. Keck.

Embezzlement—Joseph Yatsko; Nathan Swartz, pro. Breckenridge—Peter Gard; M. O'Boyle, pro. to pay costs. Falsely Pretenses—George Jacobus, Mrs. George Jacobus; W. H. Evans, pro. to pay costs. Malicious Mischief—William Simmons, Robbie Burns; Jacob Bohr, pro. county pay costs.

HELD NATURALIZATION COURT. Judge Gunster Admits Number of New Citizens.

A session of naturalization court was held yesterday morning by Judge Gunster. Those naturalized, together with their addresses and nationalities, follows: Joseph Phillips, of Winton, Austria; Husland Purekany, of Dummore, English; James Muldoon, of Scranton, Irish; Charles Heier, of Scranton, Prussian; John E. Stas, of Olyphant, Hungarian; John Kaleyanko, of Olyphant, Hungarian; John Hanyak, of Olyphant, Hungarian; Michael Gajdos, of Olyphant, Hungarian; John Anderson, of Scranton, Swiss; Charles Weisberger, of Olyphant, Austro-Hungarian; Andrew Ceras, of Archbald, Italian; John Miskowicz, of Olyphant, Hungarian; Anthony Dodge, of Throop, Italian; Martin Klein, of Carbondale, German; Paul Ziembka, of Scranton, Austrian; George Kalasowski, of Scranton, Russian.

Difficulty was encountered in complying with one of the new rules of naturalization court, namely, that requiring a certificate of landing from the commissioner at the port of entry. The records of the New York consular office were closed by the Ellis Island fire, and those who entered prior to last year can not obtain the certificates required. Court, of course, makes due allowance in such cases.

SMITH AGAIN HEARD FROM. Asks for a Change of Venue in a Civil Case.

Cornelius Smith yesterday petitioned the court for a change of venue in the ejectment suit of Joseph Fellows, Cornelius Smith and others against F. E. Loomis and others, alleging that the judges in this county are prejudiced against him.

He recites in his petition that Judge Archbald promised to certify the case when it was reached on the trial list in the March term of 1898, but failed to do so. The case went over, and the matter of a change of venue, Mr. Smith alleges, was referred by the president judge to Judge Edwards, but he also failed to take any action. Now, Mr. Smith renews his petition, asking that the case be certified to the president judge of an adjacent county.

Yesterday morning Judge Archbald dismissed the petition with the explanation that a change of venue is not necessary, as the case is to be sent to Judge Yerkes, of Bucks county, who will preside in court room No. 3 next week, when the case in question is scheduled to be tried.

CORAY-JENKINS CASE. Taking of Testimony Ended Yesterday Afternoon.

The taking of testimony in the Coray-Jenkins equity suit before Judge Gunster was concluded yesterday afternoon. Mr. Jenkins was the only witness on the stand. He told the story of the defense substantially as set forth in his answer heretofore published in full.

APPOINTED AN EXAMINER. Hon. John P. Kelly Named to Succeed E. C. Newcomb.

Hon. John P. Kelly was yesterday appointed a member of the board of examiners of the Lackawanna bar for a term of three years to succeed E. C. Newcomb, whose term has expired.

KELLY IMPEACHMENT CASE. Defense Still Trying to Show Malicious Prosecution.

Two sessions of the Kelly impeachment proceedings were yesterday devoted to a continuation of the efforts of the defense to show malice on the part of the prosecution.

COURT HOUSE NEWS NOTES. In the divorce case of McComb against McComb, a rule for a decree in divorce was yesterday granted.

Tobias Stine, collector for Ransom township, settled his duplicate with the county commissioners yesterday. In the case of James Manley against the city of Scranton a rule was obtained yesterday for a writ of certiorari to set aside the return of an arrested judgment.

John Proud was yesterday appointed auditor of the Scranton poor district for a term of three years, to succeed F. T. O'Neil, who has gone to New York to reside. An ejectment suit was begun yesterday by Michael Finerty against John Finerty for a lot of land 2520 feet on 87th street, this city. Attorney Joseph Grey represents the plaintiff.

W. W. Davis, George W. Gleil and C. W. McKinley were yesterday appointed viewers for the opening of Wyoming avenue, between Olive and Ash streets. They are to meet February 2, on the ground.

"Clark of the Courts Daniels yesterday granted marriage licenses to William Albert Stephens and Sarah Ann Hopkins. Priesthood Michael Finerty, through Attorney W. R. Lewis, secured a rule to set a mandamus execution against Spring Brook township and its supervisors of last year, Arthur Stevens and S. P. Sewell. Mr. Bodell secured judgment for \$12.40 against the township before Alder-

THE LEADER Scranton Store—124-126 Wyoming Ave. The bargain triumph of this clearance sale. The most amazing bargain list seen in some time. In fact, the best of yesterday's great money-saving feast. Some of the lots that were closed out in the course of the day were promptly replaced by others and the following are here in such quantities that we can supply as great a demand as there was yesterday.

Ladies' \$5 cloth jackets 1.00 In boucle and chevrot. Not so many of these on hand now; but what there is must go soon. Never sold for less than \$5 here 1.00

Ladies' \$2 dress skirts, at only 89c Several lots all wool skirts, in large and small figures and black and white checks, percale lined, price was up to \$2.50. 89c

25c bisque dolls, special at 10c All of these are jointed, have moving eyes and are the same as we sold during the holidays at 25c. Special during this sale. 10c

Men's 29c merino shirts and drawers 12c Excellent value at 29c, as you will see. They are in white only, odd sizes and only limited quantity, so call early 12c

Ladies' 50c walking hats 5c Several lots of ladies' and children's walking hats and sailors, all in one lot, price was up to 50c, no less than four weeks ago, now. 5c

Men's 10c seamless half hose 3c A bargain that you will have to go far and wide to find the equal of. Several hundred pairs of these were sold first day of this sale 3c

The book sensation of the year. One thousand popular books in handy volume size, printed on fine quality of paper, with choice of more than 100 titles by such authors as Scott, Ruskin, Dumas, Goldsmith, Jerome, Dickens, Doyle, Barrie, Irving, Hope, Marlitt and many others. Cloth Bound Books, published at 35 cents. 8c

Special cut prices in our corset department. We shall offer our 75c quality of H. & S. Corsets in all sizes and unlimited quantity, at a price not heretofore known for an article of equal merit. Special during this sale. 49c

Muslin underwear. Biggest sale we ever had—finest qualities we ever showed and the most remarkable values you ever saw—that is the substance of this great underwear sale.

Drawers Ladies' Fine Muslin Drawers, having elastic of neck and cuffs, trimmed with embroidery, regular price 25c. Special. 29c

Corset Covers Ladies' Plain Cambric Corset Covers, high neck, regular price 12 1/2c. Special. 12 1/2c

Ladies' Fine Cambric Drawers, having wide cambric ruffle, trimmed with embroidery; regular price 35c. Special. 39c

Ladies' Muslin Gowns, Mother Hubbard style, in five different styles, trimmed with lace or embroidery, very good for 25c. Special. 33c

Ladies' Muslin Gowns, Empire or Mother Hubbard style, trimmed with insertion and embroidery; regular price 75c. Special. 49c

Ladies' Muslin Gowns, Empire or Mother Hubbard style, having yoke of lace, trimmed with embroidery. Special. 59c

Ladies' Cambric Gowns, Empire style, yoke of embroidery, insertion and wide collar to match, trimmed with embroidery. Regular price 25c. Special. 29c

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